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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,555	03/21/2005	George Miller	CAF-33402/03	8316
25006 7590 08/27/2010 GIFTORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021				
EXAMINER PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,555

Applicant(s)

MILLER, GEORGE

Examiner

BHARAT C. PATEL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14-18, 24-49 and 68-74 is/are pending in the application.
- 4a) Of the above claim(s) 3-12, 14-18, 24-30, 33, 36-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 5, 31, 32, 34, 35 and 68-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office action in response to communication received on 7/16/10. Claims 1, 13, 19-23 and 52-57 are cancelled. Claims 3-4, 612, 14-18, 24-30, 33, 36-51 are withdrawn. Claims 69-74 are newly added. Claims 2, 5, 31-32, 34 and 68 are amended. Therefore, claims 2, 5, 31-32, 34, 68-74 are pending and addressed below.

Claim Objections

2. Claim 69 is objected to because of the following informalities: In lines 3-4 of claim 69, "cast-cutter is in operation in operation;" is believed to be in error for -- cast-cutter is in operation;--. Appropriate correction is required.
3. Claims 34 and 74 are objected to because of the following informalities: In line 3 of claim 34 and in line 2 of claim 74, "the cutting means" is believed to be in error for -- the cutting assembly--. Appropriate correction is required.
4. Claims 70-74 are duplicates of claims 2, 5, 31, 32 and 34 respectively. It appears that Applicant has meant to be depending from the claim 69 instead of 68. However, Examiner has examined the claims based on the dependency as recited. Appropriate correction is required.
5. It should also be noted that there are withdrawn claims which depend from the cancelled claims those should have been cancelled such as claims 3-4, 6-12, 14-18, 24-30, 36-49. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 68-70, 2, 31 and 72 are rejected under 35 U.S.C. 102(b) as being anticipated by Pai 5,252,504.

Re claim 68, Pai discloses a cast-cutter for use in removing a cast from a patient per Figs. 1-3, the cast- cutter comprising: a housing 1; a cutting assembly 5, 51, 13, extending, from said housing and configured to cut substantially perpendicularly through a cast arranged in a cast plane, said cutting assembly comprising: a stationary first portion around 13 rigidly affixed to said housing 1 during operation per Fig. 1, and a moveable second portion around 51, supported for pivotal motion at hole 52 by screw 153 relative to the first portion 13, wherein each portion comprises a single cutting edge on 13 & 51 configured to cooperate to cut along a common cutting plane which is aligned substantially perpendicularly with the cast plane per Figs. 1-3; said stationary portion around 13 including a protection member as lower bottom surface, forward of screw hole 151, positioned on one side of the cast plane to be positioned between the cast being operated upon by the cutting assembly and a patient to protect the skin of the patient; and an electric drive 6 disposed within said housing 1 and drivingly connected to said second portion 51 to pivot said second portion relative to said first portion at screw 153 through an arcuate path which moves the single cutting edge of the second portion through the cast plane from one side thereof and causes a cast

positioned between the cutting edges of the first and second portions in the cast plane to be pressed against the single cutting edge at 13 of the stationary first portion around 13, such that the respective single cutting edges of the first and second portions 13, 51, effect cutting through the cast plane from opposing sides by a shearing action per Figs. 1-3. It should be noted that Applicant has not specifically defined and claimed the protection member with any specific and definite structure with respect to the mating component, Examiner considers that Pai satisfies the claimed subject matter.

Re claim 69, Pai discloses a cast-cutter for use in removing a cast from a patient, comprising: a housing 1; a protection member as lower bottom surface, forward of screw hole 151, rigidly affixed to said housing 1 when said cast-cutter is in operation; a cutting assembly 5 extending from said housing, said cutting assembly being positioned between said housing 1 and said protection member as lower bottom surface, forward of screw hole 151, wherein the cutting assembly 5, 51, 13, is configured to cut substantially perpendicularly through a cast arranged in a cast plane, said cutting assembly further comprising: a stationary first portion around cutting blade 13 provided on the protection member to be fixed relative to the body during operation per Figs. 1-3, and a moveable second portion around blade 51 supported for pivotal motion relative to said first portion at pivot point of screw 153, wherein each portion comprises a single cutting edge along the cutting edges of 13 & 51, configured to cooperate to establish a shearing action to cut through the cutting plane from opposing sides thereof per Fig. 2; and an electric drive 6 disposed within said housing 1 and drivingly connected to said second portion 5 to pivot at screw 153 said second portion relative to said first portion

through an arcuate path to effect cutting through the cast plane from opposing sides by a shearing action per Figs. 1-3. It should be noted that Applicant has not specifically defined and claimed the protection member with any specific and definite structure with respect to the mating component, Examiner considers that Pai satisfies the claimed subject matter.

Re claims 2 and 70, Pai discloses that the cutting means 13, 51, and 5, is adapted for removing a strip of material from the cast. The device taught by Pai is capable of producing the strip of material per Figs. 2-3.

Re claims 31 and 72, Pai discloses that a leading edge of the second portion 5 of the cutting means, as front leading portion near 51 on 5, is chamfered per Fig. 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 34, 71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pai 5,252,504 in view of Wang 6,308,421.

Re claims 5 and 71, Pai teaches the invention as claimed as discussed above. However, Pai fails to teach that the first portion and the protection member are releasably coupled to the housing. Wang teaches that the first portion as front portion around 11 and the protection member 5 are releasably coupled to the housing as portion between the handle and the leading edge of 11 per Figs. 1-2 & 4-5.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Pai's stationary blade portion around 13 with a support arrangement, as taught by Wang, in order to allow for cutting different configurations of work pieces per col. 1, lines 36-40 per Figs. 1-2 & 4-5.

Re claims 34 and 74, the modified device of Pai teaches that the cutting assembly (Pai, 5, 13, 51), is adapted to remove continuous strips of material from a cast and the first portion of the cutting assembly comprises a strip exit, as blade channel (Wang, 53 per Fig. 1), to allow a strip of the cast which is being removed to pass therethrough.

10. Claims 32, 35 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pai 5,252,504 in view of Wang 6,308,421 and further in view of Nordlin 6,981,327 or Yoshikawa 6,330,738.

Re claims 32 and 73, the modified device of Pai teaches that the first portion as front portion around (Wang, 11) defines an aperture at (Wang, 12, Fig. 1) except which is chamfered at one side. Nordlin teaches an aperture 46 which is chamfered at 94 per Fig. 9 per col. 4, lines 21-24; and Yoshikawa teaches an aperture which is chamfered per col. 19, lines 19-27 per Figs. 13-14.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide the aperture of the modified device of Pai with a chamfer arrangement, as taught by Nordlin or Yoshikakwa, in order to allow easy insertion of the pin or bolt quick aligning the center of the hole with the center of the pin.

Re claim 35, the modified device of Pai teaches that the strip exit, as blade channel (Wang, 53 per Fig. 1) comprises tapered sides, which taper outwards, away from the aperture (Wang, 12 per Fig. 1).

Response to Arguments

11. Applicant's arguments with respect to claims 68-69 have been considered but are moot in view of the new ground(s) of rejection under 35 U.S.C. 102(b) as being anticipated by Pai 5,252,504.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is

(571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/
Examiner, Art Unit 3724
8/23/10.

/Ghassem Alie/

Primary Examiner, Art Unit 3724